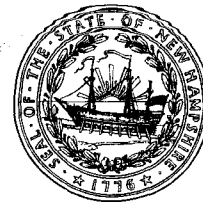




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

March 24, 2006

**CERTIFIED MAIL**  
**7000 1670 0001 2907 8828**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 06-006**

Freudenberg NOK General Partnership  
P.O. Box 2001  
Bristol, NH 03222-2001

Attn: Gregory Keenan, Plant Manager

**Re: Freudenberg NOK General Partnership**  
**450 Pleasant Street, Bristol, New Hampshire**  
**EPA ID No. NHD001084672**

Dear Mr. Keenan:

On February 10, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Freudenberg NOK General Partnership ("Freudenberg") in Bristol, New Hampshire. The purpose of the inspection was to determine Freudenberg's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in Freudenberg's hazardous waste management program were documented:

1. Env-Wm 353.04(f) and (g) – Limited Permit # DES-HW-LP-01-13 – Inspections of Wastewater Treatment Unit

At the time of the inspection, Freudenberg was operating a wastewater treatment unit, located in the Chemical Management Room, permitted by DES under Limited Permit #DES-HW-LP-01-13. No inspections of the wastewater treatment unit were conducted or documented.

Limited Permit # DES-HW-LP-01-13 requires that Freudenberg inspect its wastewater treatment unit for malfunctions, deterioration, operator errors, and discharges which may be causing, or may lead to, an unauthorized release of hazardous waste to the environment or a threat to human health. Inspections must be recorded and documented in a log.

DES requests that Freudenberg develop and implement an inspection schedule for the Chemical Management Room wastewater treatment unit. The inspections will need to be designed in accordance with the requirements of Env-Wm 353.04(g) and recorded in a log.

2. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal waste determination had been conducted on waste rubber generated from the extrusion process (“Extrusion Rubber”). According to Freudenberg, the waste rubber generated from the extrusion process is disposed of in the Turnkey Landfill, Rochester, New Hampshire.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Rules.

DES requests that Freudenberg determine whether the waste Extrusion Rubber is a hazardous waste by testing a representative sample of the waste Extrusion Rubber. The analyses should include, at a minimum, testing to detect the characteristic of toxicity, by using the Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals, as specified in Env-Wm 403.06.

Freudenberg will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and the chemical analyses.

*In an e-mail sent to Freudenberg by DES on March 14, 2006, DES further advised Freudenberg to identify formulations containing RCRA metals and analyze representative samples of the waste Extrusion Rubbers, from the identified formulations, using TCLP.*

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of Freudenberg's personnel training program revealed the following deficiencies:

- (a) Sharon Blanchette, emergency coordinator, had not received annual hazardous waste training reviews in 2003 and 2005.
- (b) The following employees responsible for signing manifests had not received hazardous waste training for the years noted:
  - 1. Michele Landry- 2005;
  - 2. Vincent Nikonchuk- 2004;
  - 3. John Woodward- 2004; and
  - 4. Paul Linville- 2003.
- (c) The training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not

limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training. 40 CFR 265.16(b) also requires facility personnel to complete the program of training within six months of employment or assignment to a new position.

DES requests that Freudenberg conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities and ensure that training is completed within six months of employment or assignment to a new position.

DES also requests that Freudenberg maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.

*In an email received on February 17, 2006 from Freudenberg, Jeffrey Mansfield, Regional Corporate Environmental Health and Safety, stated that all manifests for hazardous waste pickups from the Facility will be signed by John Bucklin and Jeffrey Mansfield. Mr. Mansfield also stated that Sharon Blanchette has been removed from the list of emergency coordinators.*

***Please ensure that a copy of a complete, written personnel training program is submitted to DES. The written personnel training program should include a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.***

4. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Freudenberg's contingency plan revealed that copies of the plan had not been submitted to the local authorities (police, fire, hospitals, contractors, and state and local emergency response teams).

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site. Part 265.53(b) requires full quantity generators to submit the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

DES requests that Freudenberg submit a copy of the contingency plan to the local authorities, as well as to DES.

5. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, Freudenberg was handling the following containers located in the solvent shed as satellite storage containers:

- (a) One (1) 55-gallon container of hazardous waste “flammable liquid rubber adhesive spray, D001, D035, F003, F005;”
- (b) One (1) 55-gallon container of hazardous waste “flammable liquid rubber adhesive spray, D001, D035, F003, F005.” According to Freudenberg this container is used for ignitable adhesives with alcohols;
- (c) One (1) 55-gallon container of hazardous waste “flammable liquid, D001, D035, spill control debris from adhesives;” and
- (d) One (1) 55-gallon container of hazardous waste “gasoline, antifreeze, solvents [kerosene is the solvent], D001, D018.”

The location of these containers did not meet the definition of “at or near the point of generation.” Hazardous wastes generated in both the solvent shed, the permanent total enclosure area (“PTE”) and from other areas throughout the facility, are added to these containers. See the attached container inventory (“Inventory”).

Env-Wm 509.03 requires that all satellite storage containers be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requests that Freudenberg manage the containers of hazardous waste identified above located in the solvent shed according to the requirements of Env-Wm 509.02 (*i.e.*, full storage area regulations). Alternatively, Freudenberg has the option of managing the containers at the point of generation according to the requirements of Env-Wm 509.03.

*In the email received on February 17, 2006 from Freudenberg, John Bucklin stated the following regarding satellite storage:*

- (a) *“The waste stream (BR -7 gasoline & antifreeze) has been re-profiled for antifreeze and water only. This is now a non-hazardous waste stream.”*
- (b) *“A new satellite storage area will be setup in the tumble spray room for the waste adhesive dust (BR-15).”*
- (c) *“I have ordered a closable funnel and will setup a new satellite waste storage area in the PTE room for the flammable rinse (BR-1) waste.”*

***Freudenberg will need to provide a detailed description of the steps taken to ensure compliance with Env-Wm 509.03, as it pertains to the four (4) satellite containers cited above for being in locations that did not meet the definition of “at or near the point of generation.”***

6. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, Freudenberg did not have on file copies of eight (8) hazardous waste manifests certified by the designated facility, including:

- (a) Manifest No. VT2154843, dated April 23, 2003;
- (b) Manifest No. VT2171660, dated August 19, 2004;
- (c) Manifest No. VT2172853, dated September 15, 2004;
- (d) Manifest No. NHK0001061, dated February 28, 2005;
- (e) Manifest No. NHD0001056, dated February 28, 2005;
- (f) Manifest No. VT2176780, dated April 13, 2005;
- (g) Manifest No. VT2184995, dated July 14, 2005; and
- (h) Manifest No. NHK0005855, dated December 13, 2005.

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

DES requests that Freudenberg obtain copies of the hazardous waste manifests listed above, and properly retain these copies and copies for all future shipments of hazardous waste.

7. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, DES observed one (1) 5-gallon pail and one (1) 55-gallon drum of used oil destined for recycling located in the boiler room, and one (1) 55-gallon drum of used oil destined for recycling in the banbury mill room, which were not labeled with the words "Used Oil for Recycle." See the attached Inventory.

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES request that Freudenberg label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

*In the email received on February 17, 2006 from Freudenberg, John Bucklin stated that the 5-gallon pail in the boiler room had been labeled. **Please ensure that the remaining containers noted above are labeled with the words "Used Oil for Recycle."***

8. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, four (4) containers of used oil destined for recycling, located in the boiler room, behind the phosphatizer, in the banbury mill room, and in spring manufacturing, were not closed. Freudenberg closed the drum in the spring manufacturing area during the inspection. See the attached Inventory.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove used oil.

DES requests that Freudenberg keep containers and tanks of used oil closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

*In the email received on February 17, 2006 from Freudenberg, John Bucklin stated that the 5-gallon pail of used oil had been closed. **Please ensure that the remaining containers noted above are closed.***

9. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, sixteen (16) containers of universal waste lamps, eight (8) 8-foot universal waste lamps, and four (4) universal waste vapor lamps were not marked with the words "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)." See the attached Inventory.

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requests that Freudenberg clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

10. Env-Wm 1102.03 and Env-Wm 1113.04 - Universal Waste Cathode Ray Tube Management

At the time of the inspection, two (2) universal waste computer monitors were not marked with the words "Universal Waste- Cathode Ray Tube(s)," "Waste Cathode Ray Tube(s)," or "Used Cathode Ray Tubes(s)." See the attached Inventory.

Env-Wm 1113.04 requires universal waste handlers of cathode ray tubes to ensure each universal waste cathode ray tube or container(s) holding universal waste cathode ray tubes to be clearly labeled or marked with any of the following: "Universal Waste- Cathode Ray Tube(s)," "Waste Cathode Ray Tube(s)," or "Used Cathode Ray Tubes(s)."

DES requested that Freudenberg clearly label or mark universal waste cathode ray tubes and container(s) holding universal waste cathode ray tubes with any of the following: "Universal

Waste- Cathode Ray Tube(s),” “Waste Cathode Ray Tube(s),” or “Used Cathode Ray Tubes(s).”

*In the email received on February 17, 2006 from Freudenberg, John Bucklin stated the CRTs have been labeled. No further action is required.*

11. Env-Wm 1102.03(c)(1) – Universal Waste Lamp Management

At the time of the inspection, sixteen (16) containers of universal waste lamps were not closed. See the attached Inventory.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests Freudenberg to ensure that all containers of universal wastes are closed, except when universal waste is being added to or removed from the container.

12. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Container Requirements

At the time of inspection, eight (8) 8-foot universal waste lamps and four (4) universal waste vapor lamps, observed in the maintenance storage area, were not stored in containers. These lamps were stored standing upright amongst other items stored in this area. Some of the lamps were observed on the floor behind several boxes.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requests Freudenberg to ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

13. Env-Wm 1102.03(c) and Env-Wm 1113.03(a) – Universal Waste Cathode Ray Tube Management

At the time of inspection one (1) broken universal waste cathode ray tube (computer monitor) was observed in the outside warehouse.

Env-Wm 1113.03(a) requires universal waste handlers to contain cathode ray tubes that show evidence of breakage, spillage, or damage that could cause release of glass particles. Furthermore, the containers should meet the requirements of Env-Wm 1102.03(c), which includes closed, compatible containers that are free of defects, design characteristics, or damage.

DES requested that Freudenberg store CRTs that showed evidence of breakage, spillage, or damage in containers that meet the requirements of Env-Wm 1102.03(c), which includes closed, compatible containers that are free of defects, design characteristics, or damage.

*In the email received on February 17, 2006 from Freudenberg, John Bucklin stated that the CRT had been placed into a container. No further action is required.*

The February 10, 2006 inspection revealed that Freudenberg generates contaminated cloth wipers from maintenance cleaning operations. According John Bucklin, Environmental Technician, the wipers are collected for laundering by an outside contractor (Alltex). Inspectors observed Freudenberg's storage of contaminated wipers in the boiler room and the Maintenance/Fork Lift repair rooms. At the time of the inspection, the collection container in the Maintenance Room was open and was not marked with the words "Contaminated Wipers for Laundering." Inspectors advised Mr. Mansfield that contaminated wipers, generated at the facility, are subject to the DES Environmental Fact Sheet #WMD-HW-6, "Contaminated Cloth Wipers for Laundering" (See enclosed). DES requests that Freudenberg comply with the fact sheet by ensuring that containers of contaminated cloth wipers are properly marked and remain closed.

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by Freudenberg can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Freudenberg including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Tammy Calligandes, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment, and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you



to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tammy Calligandes, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "COPY" or a similar word, is written over the typed name and title of the sender.

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Gretchen Hamel, Administrator, DES Legal Unit  
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heitzler, P.E., Esq., Administrator, WMD  
Jeffrey Mansfield, Freudenberg NOK, Bristol, NH  
Lynn Preston, Freudenberg NOK, Bristol, NH

ec: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report